IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

Writ Petition Nos. 5298, 5553, 5818, 5823, 6232, 6292, 6304, 6349, 7035, 7234, 7257, 7275, 7284,

7289, 7348 & 7458 OF 2005

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WRIT PETITION NO : 5298 of 2005

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Between:

APSRTC, Rep by its Managing Director,

Musheerabad, Hyderabad.

..... PETITIONER

AND

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1 The State Transport Appellate Tribunal, Manoranjan

Complex, M.J. Road, Nampally, AP

Hyderabad - 500 001, rep by its Presiding Officer
2 Regional Transport Authority, Nellore, dt. at Nellore,

Rep by its Secretary
3 Sri I. Sridhar Reddy, S/o. Ramana Reddy,
R/o. 24/990, Old Military, Dargamitta, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, especially in the nature of Writ of Certiorari by mandamus, calling for the records relating to the impugned order dt.9-7-2004 made in R.P.358/03 on the file of the State Transport Appellate Tribunal, AP, Hyderabad in dismissing the revision petition filed against the order dt.19-12-2002 in

item No. 66 in R.No.19569/A3/2002 of the Regional Transport Authority Nellore granting pucca state carriage permit on the town service route NGO Colony (Saibaba Temple) to Narakuru Centre and quash both the orders as being illegal, without jurisdiction and invalid, and declare that the grant of permit to the 3rd respondent on the above route as being hit by the provisions of section 68(3) (ca) and 104 of M.V. Act 1988.

Counsel for the Petitioner: MR.KALLAKURI SRINIVASARAO

Counsel for Respondent No.1 & 2: GP FOR TRANSPORT

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W.P.No.5553 of 2005

Between:

APSRTC, Rep. by its Managing Director,

Musheerabad, Hyderabad.

..... PETITIONER

AND

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1 The State Transport Appellate Tribunal,

Manoranjan Complex, M.J. Road, Nampally, A.P.

Hyderabad-500 001, Rep. by its Presiding officer.

2 Regional Transport Authority, Nellore District at Nellore,
Rep. by its Secretary.

3 Sri P. Yagnanaraynana, S/o. Venkatappaiah,
R/o. 27/47, Police Colony, Dargamitta, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court be pleased to issue an appropriate writ, order or direction, especially in the nature of writ of Certiorari by Mandamus, calling for the records relating to the impugned order dt.9-7-2004 made in R.P.360/03 on the file of the State Transport Appellate Tribunal, A.P. Hyderabad in dismissing the revision petition filed against the order dt.19-12-2002 in item No.40 in R.No.19546/A3/2002 of the Regional Transport Authority Nellore Granting pucca stage carriage permit on the town service route NGO Colony (Saibaba Temple) to Narayanareddypet and quash both the orders as being illegal, without jurisdiction and invalid, and declare that the grant of permit to the 3rd Respondent on the above route as being hit by the provisions of section 68(3)(ca) and 104 of M.V. Act, 1988.

Counsel for the Petitioner: MR.KALLAKURI SRINIVASARAO

Counsel for Respondent No.1 & 2: GP FOR TRANSPORT

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WRIT PETITION NO : 5818 of 2005

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Between:

APSRTC, Rep. by its Managing Director,
Musheerabad, Hyderabad.

..... PETITIONER

AND

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1 The State Transport Appellate Tribunal, Manoranjan

Complex, M.J. Road, Nampally, A.P.

Hyderabad – 500 001, rep. by its Presiding Officer.
2 Regional Transport Authority, Nellore District at Nellore,
Rep. by its Secretary.
3 Sri S.K. Khader Basha, S/o Mahammad Saheb,
R/o 23/608, Pendemvari Street, Fathekhanpet, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, especially in the nature of writ of certiorari by mandamus, calling for the records relating to the impugned order dt.7-7-2004 made in R.P.No.290/03 on the file of the State Transport Appellate Tribunal, A.P. Hyderabad to dismissing the revision petition filed against the order dt.19-12-2002 in item No. 49 in R.No.15052/A3/2002 of the Regional Transport Authority Nellore granting pucca stage carriage permit on the town service route NGO Colony (Saibaba Temple) to Narakuru Centre and quash both the orders as being illegal, without jurisdiction and invalid, and declare that the grant of permit to the 3rd respondent on the above route as being hit by the provisions of section 68(1)(ca)

and 104 of M.V. Act 1988.

Counsel for the Petitioner: MR.KALLAKURI SRINIVASARAO

Counsel for Respondent No.1 & 2: GP FOR TRANSPORT

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WRIT PETITION NO : 5823 of 2005

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Between:

APSRTC, Rep by its Managing Director,

Musheerabad, Hyderabad.

..... PETITIONER

AND

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1 The State Transport Appellate Tribunal, Manoranjan

Complex, M.J. Road, Nampally, A.P.

Hyderabad - 500 001, rep by its Presiding Officer
2 Regional Transport Authority, Nellore, District,

at Nellore, Rep by its Secretary
3 Sri K. Munnuswamy Redy, S/o. Nagi Reddy,
R/o. 26-1-371, B.V. Nagar, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, especially in the nature of Writ of Certiorari by mandamus, calling for the records relating to the impugned order dt.8-7-2004 made in RP357/03 on the file of the State Transport Appellate Tribunal, A.P., Hyderabad in dismissing the revision petition filed against the order dt.19-2-2002 in item No. 51 in R.No.19490/A3/2002 of the Regional Transport Authority Nellore

granting pucca carriage permit on the town service route NGO Colony (Saibaba Temple) to Narakuru Centre and quash both the orders as being illegal, without jurisdiction and invalid, and declare that the grant of permit to the 3rd respondent on the above route as being hit by the provisions of section 68(ca) and 104 of M.V. Act. 1988.

Counsel for the Petitioner: MR.KALLAKURI SRINIVASARAO

Counsel for Respondent No.1 & 2: GP FOR TRANSPORT

WRIT PETITION NO : 6232 of 2005

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Between:

APSRTC., rep by Managing Director,

Musheerabad, Hyderabad

..... PETITIONER

AND

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1 The State Transport Appellate Tribunal, Manoranjan

Complex, M.J. Road, Nampally, A.P.

Hyderabad-500 001, repby Presiding Officer,
2 Regional Transport Authority, Nellore District at Nellore,

rep by Secretary.
3 Sri K. Malakonda Reddy S/o Sri K. Ramireddy 27/1/852,

Balaji Nagar, Nellore

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, especially in the nature of Writ of

Certiorari by Mandamus, calling for the records relating to the impugned order dt.9-7-2004 made in R.P.369/03 on the file of the State Transport Appellate Tribunal, A.P. Hyderabad in dismissing the revision petition filed against the order dt19-12-2002 in item No.70 in R.No. 1732/A3/2002 of the Regional Transport Authority Nellore granting pucca stage carriage permit on the town service route from Butchireddy Palem to Jonnawada and quash both the orders as being illegal, without jurisdiction and invalid, and declare that the grant of permit to the 3rd respondent on the above route as being hit by the provisions of Section 68(3)(ca) and 104 of M.V. Act, 1988.

Counsel for the Petitioner: MR.KALLAKURI SRINIVASARAO

Counsel for Respondent No.1 & 2: GP FOR TRANSPORT

WRIT PETITION NO : 6292 of 2005

Between:

APSRTC, rep. by its Managing Director,

Musheerabad, Hyderabad.

..... PETITIONER

AND

1 The State Transport Appellate Tribunal, manoranjan

Complex, M.J. Road, Nampally, A.P.

Hyderabad-500 001, rep. by its Presiding Officer.

2 Regional Transport Authority, Nellore District,

at Nellore. rep. by its Secretary.

3 Smt. Ch. Srilatha, w/o. Sri Raghunandha Reddy,
27-1-868, Balaji Nagar, Nelore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an appropriate writ, order or direction, especially in the nature of writ of certiorari by mandamus, calling for the records relating to the impugned order dt.8.7.2004 made in R.P.351/03 on the file of the State Transport Appellate Tribunal, A.P., Hyderabad in dismissing the revision petition filed against the order dt.19.12.2002 in item No.53 in R.No.10239/A3/2002 of the Regional Transport Authority Nellore granting pucca Stage carriage permit on the town service route from Janardhan Reddy Colony to R.T.O. office complex and quash both the orders as being illegal, without jurisdiction and invalid, and declare that the grant of permit to the 3rd respondent on the above route as being hit by the provisions of section 68(3) (ca) and 104 of M.V.Act, 1988.

Counsel for the Petitioner: MR.KALLAKURI SRINIVASARAO

Counsel for Respondent No.1 & 2: GP FOR TRANSPORT

WRIT PETITION NO : 6304 of 2005

Between:

APSRTC rep., by its Managing Director,

Musheerabad, Hyderabad.

..... PETITIONER

AND

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1 The State Transport Appellate Tribunal, Manoranjan

Complex, M.J.Road, Nampally, A.P.Hyderabad-500 001

rep., by its Presiding Officer.
2 Regional Transport Authority, Nellore District at Nellore,

rep., by its Secretary.
3 Sri V.Suresh Babu, s/o Sri V.Subbaramaiah, 24/1848,

Ramnagar, Dargamitta, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, especially in the nature of writ of certiorari by mandamus, calling for the records relating to the impugned order dt.8-7-2004 made in R.P.356/03 on the file of the State Transport Appellate Tribunal, A.P. Hyderabad in dismissing the revision petition filed against the order dt.19-12-2002 in item No.57 in R.No.19452/A3/2002 of the Regional Transport Authority Nellore granting pucca stage carriage permit on the town service route from South Rajupalem to Kallurupalli Housing Board Colony and quash both the orders as being illegal, without jurisdiction and invalid, and declare that the grant of permit to the 3rd respondent on the above route as being hit by the provisions of section 68(3) (ca) and 104 of M.V.Act, 1988.

Counsel for the Petitioner: MR.KALLAKURI SRINIVASARAO

Counsel for the Respondent No.1 & 2: GP FOR TRANSPORT

WRIT PETITION NO : 6349 of 2005

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Between:

APSRTC, Rep by its Managing Director
Musheerabad , Hyderabad

..... PETITIONER

AND

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1 The State Transport Appellate Tribunal Rep by its

Presiding Officer, Manoranjan Complex, M.J.Road

Nampally, A.P., Hyderabad-500 001.

2 Regional Transport Authority Rep by its Secretary
Nellore District at Nellore.

3 Sri S.K.Khadar basha S/o.Sri.Mohd Saheb
23/608, Pendemvari Street Fathekhanpet, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, especially in the nature of Writ of Certiorari by Mandamus, calling for the records relating to the impugned order dt.9-7-2004 made in RP.367/03 on the file of the State Transport Appellate Tribunal, A.P., Hyderabad in dismissing the revision petition filed against the order dt.19-12-2002 in item No.45 in R.No.15050/A3/2002 of the Regional Transport Authority Nellore granting pucca stage carriage permit on the town service route RTC Bus stand to Narayanareddypet and quash both the orders as being illegal, without jurisdiction and invalid, and declare that the grant of permit to the 3rd respondent on the above route as being hit by the provisions of Section68(3)(ca) and 104 of M.V.Act, 1988.

Counsel for the Petitioner: MR.KALLAKURI SRINIVASARAO

Counsel for the Respondent No.1 & 2: GP FOR TRANSPORT

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WRIT PETITION NO : 7035 of 2005

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Between:

APSRTC, Rep by its Managing Director,

Musheerabad, Hyderabad.

..... PETITIONER

AND

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1 The State Transport Appellate Tribunal, Manoranjan

Complex, M.J. Road, Nampally, AP,

Hyderabad - 500 001, rep by its Presiding Officer
2 Regional Transport Authority, Nellore Dt. at Nellore,

Rep by its Secretary
3 Sri K. Malakonda Reddy, S/o. Sri Ramireddy,
27/1/852, Balaji Nagar, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, especially in the nature of Writ of Certiorari by mandamus, calling for the records relating to the impugned order dt.9-7-2004 made in R.P.368/03 on the file of the State Transport Appellate Tribunal, A.P., Hyderabad in dismissing the revision petition filed against the order dt.19-12-2002 in item No.42 in R.No.7990/A3/1998 of the Regional Transport Authority Nellore granting pucca stage carriage permit on the town service route from Butchireddypalem to Jonnawada and quash both the orders as being illegal, without jurisdiction and invalid, and declare that the grant of permit to the 3rd respondent on the above route as being hit by the Provisions of Section 68(3)(ca) and 104 of M.V. Act, 1988.

Counsel for the Petitioner: MR.KALLAKURI SRINIVASARAO

Counsel for Respondent No.1 & 2: GP FOR TRANSPORT

WRIT PETITION NO : 7234 of 2005

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Between:

APSRTC, rep. by its Managing Director,

Musheerabad, Hyderabad.

..... PETITIONER

AND

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1 The State Transport Appellate Tribunal, Manoranjan

Complex, M.J. Road, Nampally, A.P. Hyderabd-500 001,

rep. by its Presiding Officer.

2 Regional Transport Authority, Nellore District at Nellore,
rep. by its Secretary.

3 Sri V. Suresh Reddy, S/o. Subramanyam Reddy,
S/o. 26-1-227, B.V. Nagar, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an appropriate writ, order or direction, especially in the nature of writ of certiorari calling for the records relating to the impugned order dt.8.7.2004 made in R.P.353/03 on the file of the State Transport Appellate Tribunal, A.P. Hyderabad in dismissing the revision petition filed against the order dt.19.12.2002 in item No. 50 in R.No.19489/A3/2002 of the Regional Transport Authority Nellore granting pu8cca stage carriage permit on the town service route NGO Colony (Saibaba Temple) to Narakuru Centre and quash both the orders as being illegal, without jurisdiction and invalid, and declare that the grant of permit to the 3rd respondent on the above route as being hit by the provisions of section 68 (3)(ca) and 104 of M.V.Act.1988.

Counsel for the Petitioner: MR.KALLAKURI SRINIVASARAO

Counsel for Respondent No.1 & 2: GP FOR TRANSPORT

WRIT PETITION NO : 7257 of 2005

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Between:

APSRTC, Rep. by its Managing Director,

Musheerabad, Hyderabad.

..... PETITIONER

AND

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1 The State Transport Appellate Tribunal, Manoranjan

Complex, M.J. Road, Nampally, A.P.

Hyderabad- 500 001, rep. by its Presiding Officer.
2 Regional Transport Authority, Nellore District at Nellore,

Rep. by its Secretary.
3 Smt. E. Bhavani, W/o Sri K. Sudhakar Reddy,
Jagadevipet Village, Indukurpet Mandal, Nellore

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction especially in the nature of writ of certiorari, calling for the records relating to the impugned order dt.7-7-2004 made in R.P. 282/03 on the file of the State Transport Appellate Tribunal, A.P. Hyderabad in dismissing the revision petition filed against the order dt.19-12-2002 in item no. 67 in R.No.19556/A3/2002 of the Regional Transport Authority Nellore granting pucca stage carriage permit on the town service route from Devispet to R.T.O. Office and quash both the orders as being illegal without jurisdiction and invalid, and declare that the grant of permit to the 3rd respondent on the above route as being hit by the privisons of section 68(3) (ca) and 104 of M.V. Act, 1988.

Counsel for the Petitioner: MR.KALLAKURI SRINIVASARAO

Counsel for Respondent No.1 & 2: GP FOR TRANSPORT

WRIT PETITION NO : 7275 of 2005

Between:

APSRTC, Rep. by its Managing Director,

Musheerabad, Hyderabad.

..... PETITIONER

AND

1 The State Transport Appellate Tribunal, Manoranjan

Complex, M.J. Road, Nampally, A.P.

Hyderabad-500 001, Rep. by its Presiding Officer.

2 Regional Transport Authority, Nellore District, at

Nellore. Rep. by its Secretary,

3 Smt. S.K. Noorjahan W/o. Sri S.K. Khadar Basha
23/608, Pendemvari Street, FathekhanPet, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, especially in the nature of writ of Certiorari calling for the records relating to the impugned order dt.8-7-2004 made in R.P.350/03 on the file of the State Transport Appellate Tribunal, A.P. Hyderabad in dismissing the revision petition filed against the order dt.19-12-2002 in item No.54 in

R.No.15051/A3/2002 of the Regional Transport Authority Nellore granting pucca stage carriage permit on the town service route from Janardhan Reddy Colony to R.T.O. Office Complex and quash the orders as being illegal, without jurisdiction and invalid, and declare that the grant of permit it to the 3rd Respondent on the above route as being hit by the provisions of section 68(3)(ca) and 104 of M.V. Act, 1988.

Counsel for the Petitioner: MR.KALLAKURI SRINIVASARAO

Counsel for Respondent No.1 & 2: GP FOR TRANSPORT

WRIT PETITION NO : 7284 of 2005

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Between:

APSRTC, Rep. by its Managing Director,

Musheerabad, Hyderabad.

..... PETITIONER

AND

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1 The State Transport Appellate Tribunal, Manoranjan

Complex, M.J. Road, Nampally, A.P.

Hyderabad-500 001, Rep. by its Presiding Officer.

2 Regional Transport Authority, Nellore Dt., at Nellore,
Rep. by its Secretary.

3 Sri V. Vikram S/o. V. Venkateshwarlu
25/2/399, Chaitanyapuri, New Military Colony, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue an appropriate writ, order or direction, especially in the nature of writ of Certiorari calling for the records relating to the impugned order dt.22-11-2004 made in R.P.280/03 on the file of the State Transport Appellate Tribunal, A.P. Hyderabad in dismissing the revision petition filed against the order dt.19-12-2002 in item No.43 in R.No.19358/A3/2002 of the Regional Transport Authority Nellore granting pucca stage carriage permit on the town service route from Butchireddypalem to Jonnawada and quash the orders as being illegal, without jurisdiction and invalid, and declare that the grant of permit it to the 3rd Respondent on the above route as being hit by the provisions of section 68(3)(ca) and 104 of M.V. Act, 1988.

Counsel for the Petitioner: MR.KALLAKURI SRINIVASARAO

Counsel for Respondent No.1 & 2: GP FOR TRANSPORT

WRIT PETITION NO : 7289 of 2005

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Between:

APSRTC, Rep. by its Managing Director,
Musheerabad, hyderabad.

..... PETITIONER

AND

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1 The State Transport Appellate Tribunal, Manoranjan

Complex , M.J. Road, Nampally, A.P.

Hyderabad - 500 001, rep. by its Presiding Officer.
2 Regional Transport Authority, Nellore District at Nellore,

Rep. by its Secretary.
3 Sri V. Suresh Babu, S/o Sri V. Subbaramaiah,
24/1848, Ramnagar, Dargamitta, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court be pleased to issue an appropriate writ, order or direction especially in the nature of writ of certiorari, calling for the records relating to the impugned order dt.8-7-2004 made in R.P. 355/03 on the file of the State Transport Appellate Tribunal, A.P. Hyderabad in dismissing the revision petition filed against the order dt.19-12-2002 in item No. 52 in R.No.10238/A3/2002 of the Regional Transport Authority Nellore granting pucca stage carriage permit on the town service route from Janardhan Reddy Colony to R.T.O. Office Complex and quash the orders as being illegal without jurisdiction and invalid, and declare that the grant of permit to the 3rd respondent on the above route as being hit by the provisions of section 68(3) (ca) and 104 of M.V. Act, 1988.

Counsel for the Petitioner: MR.KALLAKURI SRINIVASARAO

Counsel for Respondent No.1 & 2: GP FOR TRANSPORT

WRIT PETITION NO : 7348 of 2005

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Between:

APSRTC, Rep. by its Managing Director,

Musheerabad, Hyderabad.

..... PETITIONER

AND

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1 The State Transport Appellate Tribunal, Manoranjan

Complex, M.J. Road, Nampally, A.P.

Hyderabad - 500 001, Rep. by its Presiding Officer,
2 Regional Transport Authority, Nellore Dt. at Nellore.
Rep. by its Secretary,
3 Sri S.V. Subba Reddy, S/o. Sri Ranga Reddy,
Room. No. 23, KAC Plaza, R.R. Street, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, especially in the nature of Writ of Certiorari by mandamus, calling for the records relating to the impugned order dt.9-7-2004 made in R.P.359/03 on the file of the State Transport Appellate Tribunal, A.P., Hyderabad in dismissing the revision petition filed against the order dt.19-12-2002 in item No. 471in R.No.1733/A3/2002 of the Regional Transport Authority Nellore granting pucca stage carriage permit on the town service route from Butchireddypalem to Jonnawada and quash both the orders as being illegal, without jurisdiction and invalid, and declare that the grant of permit to the 3rd respondent on the above route as being hit by the Provisions of Section 68(3)(ca) and 104 of M.V. Act, 1988.

Counsel for the Petitioner: MR.KALLAKURI SRINIVASARAO

Counsel for Respondent No.1 & 2: GP FOR TRANSPORT

WRIT PETITION NO : 7458 of 2005

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Between:

APSRTC., rep by its Managing Director,

Musheerabad, Hyderabad

..... PETITIONER

AND

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1 The State Transport Appellate Tribunal, Manornjan

Complex, M.J. Road, Nampally, A.P.,
Hyderabad-500 001, rep by Presiding Officer
2 Regional Transport Authority Nellore District at Nellore,

rep by Secretary,
3 Smt. E. Srilakshmi W/o Sivaramkrishna 27/47 Police

Colony Dargamitta, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, especially in the nature of writ of Certiorari calling for the records relating to the impugned order dt.9-7-2004 made in R.P.425/03 on the file of the State Transport Appellate Tribunal A.P. Hyderabad in dismissing the revision petition filed against the order dt.19-12-2002 in item No. 48 in R.No.18280/A3/2002 of the Regional Transport Authority Nellore granting pucca stage carriage permit on the town service route NGO Colony(saibaba Temple) to Narakuru Centre and quash both the orders as being illegal, without jurisdiction and invalid, and declare that the grant of permit to the 3rd respondent on the above route as being hit by provisions of Section 68(3)(ca) and 104 of M.V. Act 1988.

Counsel for the Petitioner: MR.KALLAKURI SRINIVASARAO

Counsel for Respondent No.1 & 2: GP FOR TRANSPORT

The Court made the following:

THE HON'BLE SRI JUSTICE V.V.S. RAO

Writ Petition Nos. 5298, 5553, 5818, 5823, 6232, 6292, 6304, 6349, 7035, 7234, 7257, 7275, 7284,

7289, 7348 & 7458 OF 2005

COMMON ORDER:

All these writ petitions are filed by the Andhra Pradesh State Road Transport Corporation (hereinafter called 'RTC') feeling aggrieved by the orders passed by the State Transport Appellate Tribunal, Hyderabad (hereinafter called 'STAT') in dismissing the revision petitions filed by the RTC under Section 90 of the Motor Vehicles Act, 1988 (hereinafter called 'the Act'). Though the matters are listed at interlocutory stage, the same were heard finally and are being disposed of by this common order.

The short fact of the matter is as follows. The third respondent in all the matters filed applications under Section 70 of the Act for stage carriage permit on the town service route from different places from Nellore town to other places. The RTC objected before the second respondent on two grounds: that the route for which the permit is sought, is covered by a notified scheme and therefore a stage carriage permit for town service cannot be granted; and that the route applied for is a new route and in the absence of order of the Government formulating the route under Section 68(3) (ca) of the Act, no such permit can be granted. By different proceedings made in December 2002, the second respondent overruled the objections of the RTC and granted pucca stage carriage permit on the town service route applied for by the bus operator. These various orders were challenged before the STAT by filing revision petitions, which were dismissed by the impugned orders.

The learned Tribunal rejected the contention of the RTC that a stage carriage permit even for a town service cannot be granted, if the same is prohibited by the notified scheme. The Tribunal did so, by placing reliance on the Full Bench judgment of this Court in **APSRTC v. STATE TRANSPORT APPELLATE TRIBUNAL**. It was brought to the notice of the learned Tribunal that the appeal filed against the Full Bench judgment is pending before the Supreme Court and the same is referred to a Constitution Bench. Nonetheless, the Tribunal rejected the contention observing that until and unless the Full Bench judgment is set aside, the same is binding on the STAT. Accordingly the appeals were dismissed.

Initially, the writ petitions are filed raising various grounds. However, the learned Standing Counsel for RTC, Sri K. Srinivasa Rao submits that the Full Bench judgment in ***APSRTC V. STATE TRANSPORT APPELLATE TRIBUNAL*** (supra) has now since been set aside by Supreme Court and therefore, the impugned orders are unsustainable.

The Constitution Bench of the Supreme Court in **APSRTC V. REGIONAL TRANSPORT AUTHORITY** at paragraph 12 of the judgment observed as under.

> The question for consideration is, whether mofussil service will cover town services operating on notified routes. A combined reading of clauses 3, 4 and 5 of the Scheme reproduced hereinbefore shows that the Scheme excludes all private operators. These clauses provide for complete exclusion of all other persons holding stage carriage permits. There is no scope for any doubt. All private operators including those operating on town

> service routes are excluded, subject, however, to the exceptions. Looking at the issue from a different angle, it will be seen that if the existing town services operating on the notified routes were not to be affected by the Scheme, there was no need for the exception. This also answers the argument that since town service has not been mentioned in clause 3 of the Scheme, the town service has been left free. Clauses 3,4 and 5 have to be read together to find out the real purport of the Scheme.

It was further laid down in paragraph 21 as under.

> In our view, under Exception 2 contained in the note appended to the Scheme, subject-matter of the present appeals, permits can be issued only to existing town services operating on the notified routes. This means only existing operators on the notified routes are eligible for permits. Fresh applicants or future applicants are totally ineligible for getting permits for town services operating on notified routes. These appeals are accordingly allowed. The impugned judgment of the Full Bench of the High Court is set aside. In the facts and circumstances of the case there will be no order as to costs.

In view of the judgment of the Supreme Court setting aside the Full Bench judgment, the impugned orders of the STAT are unsustainable. The learned Tribunal did not consider the other aspect of the matter as to whether the town service permits granted in favour of the respondents fall under exempted category as per the notified scheme. Therefore, it would be proper to send back the cases to STAT for fresh consideration on all other points. Accordingly the impugned orders challenged in Writ Petitions are set aside. The matters are remitted to the learned Tribunal with a direction to dispose of all the matters within a period of four weeks from the date of receipt of a copy of this order. It shall be open to RTC to raise all grounds before the Tribunal by filing additional grounds, if necessary. There shall be no order as to costs.

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V.V.S. RAO, J.

29th June, 2005

Note: The registry is directed to

Communicate a copy of this

Order by Monday, along with

Records to STAT, if they are

Received by the Court.

B/o

Js

That Rule Nisi has been made absolute.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this the Wednesday the Twenty Ninth day of June, Two thousand and five.

ASSISTANT REGISTRAR

To

1 The State Transport Appellate Tribunal, Manoranjan

Complex, M.J. Road, Nampally, AP

Hyderabad - 500 001, rep by its Presiding Officer
2 Regional Transport Authority, Nellore, dt. at Nellore,

Rep by its Secretary

3 Two CCs to G.P. for Transport, High Court Buildings,

Hyderabad.

4 2 CD copies.